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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,837	03/17/2004	Bradley D. Schweigert	KMC-617	6458

39915 7590 06/01/2005

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EXAMINER
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HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/803,837

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to method of forming a club head, classified in class 29, subclass 428.
- II. Claims 10-14, drawn to a golf club head article, classified in class 473, subclass 324.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Invention I does not require the use of a revolving cutting tool and can be made by other methods such as stamping, casting, forging, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Darrell Maquette on May 25, 2005 a provisional election was made without traverse to prosecute the invention of the club head article, claims 10-14. Affirmation of this election must be made by applicant in

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replying to this Office action. Claims 1-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (USPN 6623377) in view of Werner et al. (USPN 6319150).

Regarding claim 10, Evans et al. discloses a golf club head comprising a face plate **30** having a contoured rear surface wherein the contoured rear surface includes a central thickened region having an circular outer edge, surrounded by a transition region tapering from the central thickened region toward a thinner peripheral region, wherein the transition region has an circular outer edge and wherein the circular outer edge of the central thickened region has an aspect ratio that is greater than the aspect ratio of the circular outer edge of the transition region (See Figures 9-11 and 14-16 and Summary of the Invention). Evans et al. also notes that high handicap players hit in an elliptical shape and low handicap player hit within a circular shape in which contributed the design of the rear face plate (See Column 6, lines 8 through 27 and Figure 17 and 18). Werner et al. discloses a club head having an face wall in which the rear of the

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face has a central thickened region, transition region, and peripheral region all having elliptical shapes (See Figure 7 and 12). Werner implies in the Summary of the Invention that the invention reduces partly off the face hits (POF) for both high handicap and low handicap players. One having ordinary skill in the art would have found it obvious to have the elliptical regions on the rear surface of the face plate, as taught by Werner et al., in order to reduce POF.

Regarding claim 11, Both Evan et al. and Werner et al. implicitly teach the outer edge of the central thickened region having a first major axis and a first minor axis and the outer edge of the transition region having a second major axis and a second minor axis wherein the second major and minor axes are equal to the first axes plus a predetermined distance.

Regarding claims 12 and 13, Evans shows the lengths of the central region, transition region, and peripheral region varying, which would imply that the distances of between each region is based on the location in which the ball is most frequently hit (See Figures 9-11 and 14-16). One having ordinary skill in the art would have found it obvious to having any length between the above regions in order to correspond to the most frequent locations in which the face impacts a golf ball.

Regarding claim 14, Evans et al. discloses the club head having a shell with an opening and a face plate being attached to the opening of the shell to form a hollow body (See Paragraphs bridging Columns 3 and 4).

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on 7:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AAH*  
Alvin A. Hunter, Jr.

  
GREGORY VIDOVIK  
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